

REPORT

Of the Committee on the Public Lands, to which was referred a Memorial of the Legislature of the Territory of Arkansas, in relation to certain settlers on the Public Lands, accompanied with a Bill concerning Pre-emption Rights in the Territory of Arkansas.

FEBRUARY 4, 1824,

Read, and, with the bill, committed to a committee of the whole House to-morrow.

The Committee on Public Lands, to whom was referred the Memorial of the Legislative Senate and House of Representatives of the Territory of Arkansas, in behalf of certain citizens of said territory, entitled to pre-emption rights under an act of Congress, passed April 12, 1814, entitled "An act for the final adjustment of land-titles in the state of Louisiana and territory of Missouri," have had the same under consideration; and beg leave to

REPORT:

That, by the above mentioned act of Congress, it was, among other things, enacted, that every person, and the legal representatives of every person, who had actually *inhabited and cultivated* a tract of land lying in the territory of Missouri, (then embracing the present territory of Arkansas,) which tract was not rightfully claimed by any other person, and who had not removed from said territory, should be entitled to the right of pre-emption in the purchase thereof: provided, that no more than one quarter-section of land should be sold to any one individual, by virtue of that act.

Every person claiming a preference, in becoming a purchaser of a tract of land under that act, was required to make known his claim, by delivering a notice, in writing, to the Register of the Land Office for the district in which the land might lie, therein particularly designating the quarter-section claimed. Subsequent to the notice, other steps were to be taken by the claimant, to perfect his right of pre-emption, not necessary to be here enumerated. Your committee are informed, that, at the time of passing said act, certain persons actually inhabited and cultivated tracts of land in that part of the then territory of Missouri, (now Arkansas) which was afterwards ceded

by the United States to the Cherokee nation of Indians, by treaty of July 8, 1817; but they have not been able to obtain any certain information, as to the number of such persons, some of whom are represented to have made improvements of considerable value. No survey of the lands, ceded to the Cherokees, was ever made; consequently, it was not in the power of those entitled, to carry their pre-emption right into effect, or even to file the notice required of them by law. They, however, continued to occupy and cultivate the lands in their possession until after the treaty: when they were obliged to surrender them to the Indians, who took possession thereof, as proprietors, by virtue of the cession of that tract of country to them. By the stipulations of that treaty, the United States were obligated to pay the Cherokees for all lands east of the Mississippi river, ceded by them to the United States, upon which improvements had been made that added real value to the land; which payment was to be made in money, or, in lieu thereof, other improvements, of equal value, were to be given in exchange therefor. The value of the Indian improvements was to be ascertained by a commissioner, to be appointed for that purpose. Whether the Arkansas improvements were received by the Indians, in exchange for those relinquished by them east of the Mississippi, is not within the knowledge of your committee. The claimants entitled under the act of 1814, are, in the opinion of the committee, entitled to relief under any aspect of the case; and, though the granting them other pre-emption rights, in lieu of those to which they were heretofore entitled, may not, under existing circumstances, be a full indemnity for their losses, yet it is the only equivalent that can be given, without much expense and inconvenience, and, perhaps, practise of fraud upon the public.

Your committee, therefore, recommend the giving of pre-emption rights in some other part of the territory of Arkansas, in lieu of those which were granted by the said act of April 12, 1814; and report a bill accordingly.